

JO02 P-3d PCT/PTO 03 JAN 2001 PCT#b

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yoseph KOLTUNOV et al.

Application No.: 09/530,758

Filed: May 4, 2000



Group Art Unit:

Examiner:

Docket No.: 106153

For: DETERMINATION AND RECOGNITION OF OBJECTS BY MULTISPECTRAL  
SENSING

RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In response to the Notification of a Defective Response mailed December 11, 2000, copy enclosed, Applicants respectfully submit that the Declaration and Power of Attorney filed on November 30, 2000, is complete and should be accepted by the U.S. Patent and Trademark Office in the above-identified patent application.

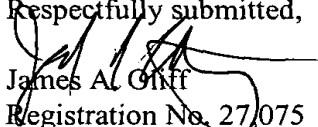
The Notification indicates that the Oath or Declaration of the inventors is deficient because it does not include a signature for inventor no. 1. Although it is correct that the first named inventor, Yoseph KOLTUNOV, did not sign the Declaration/Power of Attorney, Applicants respectfully submit that the executed Declaration filed on November 30, 2000, should be accepted under the provisions of 37 CFR §1.47(a) and MPEP §409.03, particularly MPEP §409.03(a)(A). In this respect, Applicants also filed on November 30, 2000, a Petition under 37 CFR §1.47(a) for acceptance of application wherein an inventor has refused to sign. That Petition was accompanied by a Declaration of Tova FAYNERO establishing the fact that the first named inventor refused to sign the Declaration/Power of Attorney. Accordingly, as set forth in MPEP §409.03(a), the Declaration/Power of Attorney filed on

November 30, which was signed by all of the remaining inventors, should be treated as having been signed by all of the available joint inventors on behalf of the non-signing inventor.

The Patent Office is respectfully requested to acknowledge receipt of the Petition under 37 CFR §1.47(a), and is requested to favorably consider the Petition and accept the November 30, 2000, Declaration/Power of Attorney as acceptable in this patent application.

For convenience in considering this Response, Applicants attach hereto copies of the Petition, attachments thereto, Response to Notification of Missing Requirements, and executed Declaration that were filed on November 30, 2000.

Should there be any questions regarding this Response or the previously-filed papers, the Patent Office is requested to telephone Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,  
  
James A. Oliff  
Registration No. 27,075

Joel S. Armstrong  
Registration No. 36,430

JSA:JAO:jam

Attachments:

- Copy of Notification
- PTO date-stamped receipt
- Petition under 37 CFR §1.147(a)
- Executed Declaration of Yova Faynero
- Exhibit A with Translation
- Letter from Mr. Koltunov

Date: January 3, 2001

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

DEPOSIT ACCOUNT USE  
AUTHORIZATION  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231



|   |   |                                      |                  |
|---|---|--------------------------------------|------------------|
| U.S. APPLICATION NO.                                      | RECEIVED<br>DEC 13 2000<br>OLIFF & BERRIDGE | FIRST NAMED APPLICANT                | ATTY. DOCKET NO. |
| 09/530758   | KOLTUNDY                                    | Y                                    | 106153           |
| OLIFF & BERRIDGE<br>P O BOX 19928<br>ALEXANDRIA, VA 22320 |   | INTERNATIONAL APPLICATION NO.        |                  |
|   |   | PCT/L98/00568                        |                  |
|   |   | LA. FILING DATE                      | PRIORITY DATE    |
|   |   | 20 NOV 98                            | 20 NOV 97        |
|   |   | DATE MAILED: <b>JANUARY 11, 2001</b> |                  |

**NOTIFICATION OF A DEFECTIVE RESPONSE** 11 DEC 2000

1  The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2  Applicant's response filed \_\_\_\_\_ was received in the Office on \_\_\_\_\_, which is after the expiration of the period for response set in the last Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3  Applicant's response filed 04 MAY 00 included the following items, the receipt of which is hereby acknowledged:

- Copy of the international application in:
- a non-English language.
- English.
- Translation of the international application into English  which is defective for the reasons indicated on the attached Notice of Defective Translation.
- Processing fee (37 CFR 1.492(f))  which is insufficient.
- Oath or Declaration of inventors(s).
- in compliance with 37 CFR 1.497(a) and (b).
- not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- Surcharge (37 CFR 1.492(e))  which is insufficient.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s).
- Information Disclosure Statement(s).
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification.
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Other:

4  All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed \_\_\_\_\_ have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed:  PCT/DO/EO/917       Notice of Defective Translation

**DOCKETED**  
By JB on 12/13 2000  
By CRP and  
Oliff & Berridge

Charita A. Burt, Paralegal  
Telephone: 703-305-3734



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

|                      |                       |                               |
|----------------------|-----------------------|-------------------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO.              |
| 09/530758            | KOLTUNOV              | Y 106153                      |
|                      |                       | INTERNATIONAL APPLICATION NO. |
|                      |                       | PCT/IL98/00568                |
| LA. FILING DATE      |                       | PRIORITY DATE                 |
| 20 NOV 98            |                       | 20 NOV 97                     |

DATE MAILED: 11 DEC 2000

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1.  is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. There is no signature for inventor #1.
2.  does not identify the specification to which it is directed.
3.  does not identify the inventor(s).
4.  does not identify the citizenship of each inventor.
5.  does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1.  does not identify the city and state or city and foreign country of residence of each inventor.
2.  does not state that the person making the oath or declaration:
  - a.  has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b.  acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3.  does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4.  does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Charita A. Burt, Paralegal  
Telephone: 703-305-3734

FORM PCT/DO/EO/917 (September 1996)

**DOCKETED**  
By JB on 12/13/2000  
and  
By CRP on 12/14/2000  
Oliff & Berridge

**TO RECEIPT FOR FILING OF PAPERS**

The following papers have been filed:

Pet. Under 37 C.F.R. 1.47(A), ck. 114212 (\$130); Pet. for Ext. of Time, ck. 114241 (\$1390); Resp. to NOMP, ck 114240 (\$130), exec. Dec; Assign Trans., ck. 114242 (\$40), Exec. Assign.

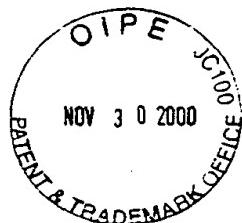
Name of Applicant: Yoseph KOLTUNOV et al.

Serial No.: 09/530,758

Atty. File No.: 106153

Title (New Cases):

Sender's Initials: TJP/sdk



**PATENT OFFICE DATE STAMP**

145/8

**COPY TO BE STAMPED BY PATENT OFFICE  
AND RETURNED BY MESSENGER**

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